

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

FILED
MAR 11 2013
JULIE A. RICHARDS, CLERK
U.S. DISTRICT COURT, EDNC
DEP CLK
JAA

DIVISION

Elizabeth A. Brinkofski , Plaintiff

v.

Albemarle Hospital
Regina O. Black,
Defendants

NO. 2:13-cv-12-BR

COMPLAINT

Plaintiff resides at:

21 Tamarack Road

Somerset, NJ 08873

Defendant(s)' name(s) and address(es), if known:

1. Albemarle Hospital

1144 N Road Street, Elizabeth City, NC 27909

2. Regina O. Black, Nurse

Jurisdiction in this court is based on:

Diversity

The acts complained of in this suit concern:

Plaintiff Elizabeth A. Brinkofski brings forth the following causes of actions and alleges the following:

1. Plaintiff is an individual and resident of Somerset, New Jersey

2. Defendants are Albemarle Hospital and Nurse Regina O. Black, at the time of this complaint, Albemarle Hospital is located in Elizabeth City, North Carolina, Pasquotank County. The relevant facts are that on February 25, 2011, Dr. Elizabeth Dodd was admitted to Albemarle Hospital from Outer Banks Hospital, documented in no acute distress, to have a Cardioversion procedure to be performed by Dr. Lindsey White to fix a new onset of Atrial fibrillation. During the course of her treatment, Dr. Safil told the family that, "patients stop breathing in the middle of the night all of the time at Albemarle Hospital, and that Dr. Dodd would not be able to tolerate being placed on the ventilator and therefore, his partner, Dr. White wrote an order for a CPAP machine so Dr. Dodd could be placed on it at night for her sleep apnea, in addition Dr. Dodd had her Advance Directives on her since her doctors did not think that she would tolerate a ventilator he would likely not survive the ventilator. In the early morning hours of March 7, 2011, Nurse Regina Black failed to put Dr. Dodd on the CPAP machine and failed to have a CPAP machine placed at patients bedside. Nurse Black admitted she did not know how to use the CPAP machine

failed to put a CPAP machine at her bedside, and ignored the doctor's order which could have saved the patient's life. She was given morphine which was also discontinued by Dr. White and placed on a ventilator against doctor's written orders and advance directives and was found asystolic and unresponsive by hospital personnel. She suffered irreversible brain damage, kidney failure, organ damage, and a bowel injury? All of these injuries occurred at Albemarle Hospital, and she did not have any of these injuries prior to entering Albemarle Hospital. She died in Albemarle Hospital on March 12, 2011.

Count 2- Breach of standard of care

Defendants failed to perform the written orders by Dr. white and made no effort to contact him in a safe and effective manner leading to the injuries sustained by Dr. Dodd.

Count 3-Battery

Defendants failed to perform the duties that written by DR. White and Written Advance Directives by

Count 1-Negligence- Defendants failed to perform the duties that were written
n orders by Dr. White in a safe and effective manner leading to the injuries sustained by Dr. Dodd.

Count 2- Breach of standard of care

Defendants failed to perform the written orders by Dr. white and made no effort to contact him in a
safe and effective manner leading to the injuries sustained by Dr. Dodd.

Count 3-Battery- Defendants failed to perform the duties that written by Dr. White and
ten Advance Directives by ignoring a CPAP order which was a safe and non evasive way of
oxygenation and instead placing patient on a ventilator leading to injuries sustained by Dr. Dodd.

(If you need more space, or wish to include any further information for consideration, please attach additional sheets.)

I seek the following relief:

Wherefore Plaintiff seeks compensatory damages in the amount of 250,000.

March 7, 2013
DATE

Elizabeth A Brinkofski
Elizabeth A Brinkofski

SIGNATURE OF PLAINTIFF

21 Tamarack Read
Somerset N.J. 08873
(732) 735-0761

ADDRESS AND PHONE NUMBER OF PLAINTIFF